



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the application of:

Attorney Docket No.: 1915.14US03

Kasner et al.

Confirmation No.: 9685

Application No.: 09/862,905

Examiner: Michael Safavi

Filed: 22 May 2001

Group Art Unit: 3673

For: RIDGE CAP TYPE ROOF VENTILATOR

PETITION UNDER 37 C.F.R. § 1.183

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Pursuant to MPEP § 1414.01 (III) and 37 C.F.R. § 1.183 and in view of the facts stated below, Applicants respectfully request waiver of the requirement that a co-inventor of the subject matter described and claimed in the above-identified application execute the accompanying supplemental declaration under 37 C.F.R. § 1.175.
2. The undersigned notes the requirement under 37 C.F.R. § 1.175, that all inventors execute a Supplemental Declaration, so that the above-identified reissue application can pass to issue.
3. As shown by the accompanying declaration by the undersigned, Mr. Kasner, a co-inventor of the subject matter disclosed and described by the above-identified application, was offered indemnity by the assignee of the entire interest, payment for time spent to become sufficiently familiar with the facts asserted by the Supplemental Declaration, and assistance by the undersigned to familiarize himself with the facts asserted by the Supplemental Declaration.


4. Despite these offers, Mr. Kasner refused to execute the Supplemental Declaration.

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5. In view of the offerings and reassurances stated above, it is respectfully submitted that the assignee and the undersigned have undertaken every reasonable effort to obtain Mr. Kasner's signature on the accompanying Supplemental Oath.
6. Accordingly and in view of the accompanying fee of \$400.00 as specified by 37 C.F.R. § 1.17(f), applicants and the undersigned respectfully submit that that justice requires that the rules be suspended and that the requirement for Mr. Kasner's signature on the accompanying Supplemental Declaration be waived under 37 C.F.R. § 1.183 and fee specified by 37 C.F.R. § 1.17(f).

Respectfully submitted,



Wm. Larry Alexander, Ph.D.
Registration No. 37,269

Customer No. 24113
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5757

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

14 March 2008
Date of Deposit


Wm. Larry Alexander, Ph.D.



REISSUE PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Reissue Application of:

Attorney Docket No. 1915.14US03

Kasner et al.

Confirmation No: 9685

Application No.: 09/862,905

Examiner: Michael Safavi

Filed: May 22, 2001

Group Art Unit: 3637

For: RIDGE CAP TYPE ROOF VENTILATOR

SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. § 1.175

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Gary P. Kasner, 8335 Mitchell Rd., Eden Prairie, MN 55347-1503, a citizen of the United States, Mark S. Stoll, 19055 Eastwood Drive, Excelsior, MN 55331-9117, a citizen of the United States, and Richard J. Morris, 15987 Island View Road NW, Prior Lake, MN 55372-1606, a citizen of the United States, in supplement to the Declarations previously submitted in the above-identified reissue application and incorporating the same herein by reference as though fully set forth, hereby declare that:

1. We have reviewed and understand the contents of the reissue specification, including the claims, as amended by the amendments and as specifically referred to herein.
2. We believe ourselves to be the original and first inventors of the subject matter, which is claimed and for which a reissue patent is sought.
3. We acknowledge the duty to disclose all information material to the examination of this application in accordance with 37 C.F.R. § 1.56, including any public use, sale, or offer of sale of the disclosed invention occurring more than one year prior to the filing date of the application from which the present Patent issued.
4. Amendments changing the claims were filed on May 22, 2001, May 6, 2003, September 22, 2003, June 4, 2004, April 4, 2005, February 17, 2006, and April 4, 2006, the changes in each amendment more fully explained in the March 13, 2007, Substitute Amendment.

5. We believe the original patent to be partially or wholly inoperative because Applicants claimed less than Applicants had a right to claim in the patent. For example, claim 16 recites, in part, a recessed area in a top panel of a roof ventilator, the recessed area being non-linear in cross section, which is broader in scope than claim 9, which recites a recessed area having a pair of side walls traversing a generally oval-shaped path. None of the other claims in U.S. Patent 5,094,041 has such a broader limitation. None of the other independent claims recite any limitations reading on said recessed area of said top panel.
6. Every error in the patent sought to be corrected in the present reissue application, and which is not covered by the prior declaration(s) submitted in this application, arose without any deceptive intention on the part of Applicants.
7. All statements made herein of our own knowledge are true and that all statements made on information are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

3-11-08

Date

3-12-08

Date

Gary P. Kasner

Mark S. Stoll

Richard J. Morris

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

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14 March 2008

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Wm. Larry Alexander



REISSUE PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application of:

Attorney Docket No. 1915.14US03

Kasner et al.

Confirmation No: 9685

Application No.: 09/862,905

Examiner: Michael Safavi

Filed: May 22, 2001

Group Art Unit: 3637

For: RIDGE CAP TYPE ROOF VENTILATOR

DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Wm. Larry Alexander, hereby declare that:

1. I am a registered patent attorney having Registration Number 37,269 and represent Liberty Diversified Industries Inc., the owner of the entire interest in the above-identified patent application.
2. Mr. Gary P. Kasner is an inventor of the subject matter described and claimed in the above-identified patent application.
3. Mr. Kasner is no longer an employee of the assignee.
4. On 31 January 2008, the declaration and a copy of a substitute amendment was sent to Mr. Kasner by David E. Kohner, General Counsel for the assignee, the letter of transmittal being enclosed.
5. Subsequently, on 15 February 2008, 19 February 2008, and 22 February 2008, letters (enclosed) were sent to Mr. Kasner by Mr. Kohner or Ms. Diane O'Brien, Mr. Kohner's paralegal assistant, urging him to either execute the Supplemental Declaration or to contact either Mr. Kohner or myself.
6. Despite being sent the letters as described above, Mr. Kasner failed to execute the Supplemental Declaration, but did attempt to call Ms. O'Brien.
7. Ms. O'Brien then requested that I contact Mr. Kasner to discuss his concerns.

8. On or about 5 March 2008, I discussed with Mr. Kasner his reasons for not being willing to execute the Supplemental Declaration, his reasons including a concern of incurring future liability and the time necessary to become sufficiently familiar with facts asserted in the Supplemental Declaration.
9. During the 5 March 2008 conversation, I also offered to pay Mr. Kasner for time spent to become sufficiently familiar with the facts asserted in the Supplemental Declaration.
10. Mr. Kasner had earlier received a letter from counsel for the Assignee, indemnifying him from all liabilities resulting from executing the Supplemental Declaration.
11. I had earlier offered to spend as much time as necessary with Mr. Kasner to familiarize him with the facts asserted in the Supplemental Declaration.
12. On 13 March 2008, Mr. Kasner returned an earlier telephone call from me and explicitly refused to execute the Supplemental Declaration.
13. All statements made herein of my own knowledge are true and that all statements made on information are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

14 March 2008

Date

Wm. Larry Alexander

Wm. Larry Alexander

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

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14 March 2008

Date of Deposit

Wm. Larry Alexander

Wm. Larry Alexander



Liberty Diversified Industries

5600 N. Highway 169 • Minneapolis, MN 55428-3096 • (763) 536-6600 • FAX (763) 536-6685 • www.libertydiversified.com

Legal Department

Telephone: 763 536-6617 Facsimile: 763 536-6818 davekohner@libertydiversified.com

January 31, 2008

Mr. Gary Kasner
6630 Moorland Drive
Eden Prairie, MN 55346-2436

Re: Supplemental Declaration --Ridge Cap Type Roof Ventilator
U.S. Patent Application No. 09/862,905 -- Attorney Ref: 1915.14-US-03

Dear Gary:

Enclosed is hopefully the last version of a required Supplemental Declaration for this pending reissue application. Would you please review the changes to the specification and claims recapped in the enclosed Substitute Amendment (which is 89 pages in length), and the original patent (also enclosed), and then sign and return the Supplemental Declaration to me as soon as possible.

This relates to the same application that you signed Supplemental Declarations for last year and in 2006 for which we prepared an Indemnification and Hold Harmless Agreements dated February 9, 2006 and February 5, 2007.

Accordingly, except for the date, the enclosed Indemnification and Hold Harmless Agreement is identical to those that I signed in 2006 and 2007.

Please contact me immediately if you have any questions or concerns. We will appreciate it if you would return the signed Supplemental Declaration **no later than Friday, February 8**. If there is anything that we can do to help you get this back to me by Friday, February 8, please let us know. Thanks.

Sincerely,

David E. Kohner
General Counsel

Encs.



Legal Department
5600 North Highway 169
Minneapolis, MN 55428
Telephone: 763 536-6618 Facsimile: 763 536-6818
dianeobrien@libertydiversified.com

FACSIMILE COVER SHEET

Date: February 15, 2008

From: Diane O'Brien -- Corporate Legal Dept., LDI

Re: Supplemental Declaration
Ridge Cap Type Roof Ventilator
U.S. Patent Application No. 09/862,905

To: Gary Kasner -- FAX: 952 932-0980

Just a follow up to our letter of January 31, 2008 and subsequent telephone reminders about getting the signed Supplemental Declaration back to us ASAP.

Let me know if I can do anything to expedite this process.

If you have questions, you may contact Dave Kohner directly at 763 536-6617 or Larry Alexander at the Patterson firm at 612 349-5757.

Total Number of Pages Transmitted: 1

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* * * COMMUNICATION RESULT REPORT (FEB.15.2008 2:23PM) * * *

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dianeobrien@libertydiversified.com

FACSIMILE COVER SHEET

Date: February 15, 2008

From: Diane O'Brien -- Corporate Legal Dept., LDI

Re: Supplemental Declaration
Ridge Cap Type Roof Ventilator
U.S. Patent Application No. 09/862,905

To: Gary Kasner -- FAX: 952 932-0980

Just a follow up to our letter of January 31, 2009 and subsequent telephone reminders about getting the signed Supplemental Declaration back to us ASAP.

Let me know if I can do anything to expedite this process.

If you have questions, you may contact Dave Kohner directly at 763 536-6617 or Larry



Liberty Diversified Industries

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February 19, 2008

Mr. Gary Kasner

6630 Moorland Drive

Eden Prairie, MN 55346-2436

Re: Supplemental Declaration --Ridge Cap Type Roof Ventilator
U.S. Patent Application No. 09/862,905 -- Attorney Ref: 1915.14-US-03

Dear Gary:

Would you please contact me regarding Dave's letter of January 31, 2008, a copy of which is enclosed.

If this is not timely filed, we will incur additional costs. Your help to get this filed promptly is very much appreciated.

Sincerely,

Diane O'Brien
Paralegal

Enc.

Wm. Larry Alexander



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February 22, 2008

Mr. Gary Kasner

6630 Moorland Drive

Eden Prairie, MN 55346-2436

Re: Supplemental Declaration --Ridge Cap Type Roof Ventilator

U.S. Patent Application No. 09/862,905 -- Attorney Ref: 1915.14-US-03

Dear Gary:

Thanks, Gary, for your voice mail message yesterday. As I mentioned in my return voice mail message, I understand your concern with the length of the document and the time that you feel would be necessary to review it.

Dave Kohner could talk with you on March 3 when he returns to the office but, because of the timing and Larry Alexander's familiarity with the patent, I think a conversation with Larry Alexander would be more helpful. He is so familiar with the patent and would be able to go through the Supplemental Declaration and Response with you rather quickly. Although I will give him your number, I think it would be best if you contact Larry directly at 612 379-5757. I am confident it will be a worthwhile call and not involve too much of your time.

Thanks again for getting back to me. If there is anything that I can do to expedite this, please let me know.

Sincerely,

Diane O'Brien
Paralegal

Wm. Larry Alexander